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09/636,418	08/10/2000	Christopher E. Axe	4876	6284

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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/636,418

Applicant(s)

AXE ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Application History*

1. This action is responsive to the application amendment, application amendment filed on 3/29/2004.
2. Applicant has amended the specification in response to objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 11/24/2003). Applicant's amendment has addresses all objections previously made and therefore, in view of this amendment, objections to the drawings and specification are withdrawn.
3. Applicant's arguments, see page 15, line 26 to page 27, line 22, filed 3/29/2004, with respect to the rejection(s)of claim(s) 1-9, 11, 12, 14 and 15 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henson, US Patent 6,167,383, filed 9/22/1998, patented 12/26/2000 and King et al. US Patent 6,161,114, filed 4/14/1999, patented 12/12/2000, as described below.
4. Applicant's arguments, see page 28, line 4 to page 29, line 22, filed 3/29/2004, with respect to the rejection(s)of claim(s) 10 and 13 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henson and King as described below.

5. Applicant's amendment of 3/29/2004 has added new claims 16-33.
6. Claims 1-33 are pending in the case, claims 1, 2, 9, 12, 14, 15, 16, 24 and 29 are independent claims.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

8. Claims 1-3, 6-9, 14-17, 23-30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Henson US Patent 6,167,383, filed 9/22/1998, patented 12/26/2000.
9. **Regarding independent claim 1**, Henson recites: *"The configurator is provided for configuring a computer system with options selected according to a prescribed user input"* (column 2, lines 65-67). Henson discloses in Figure 3A, an initialized configuration layout with a plurality of components and slots (shown at reference signs 75 and 77). Also shown in Figure 3A are selectable objects (shown as drop-

down list boxes) where a selection can be made for the designated slot. At reference sign 86 in Figure 3A, Henson discloses receiving a visual feedback indicating the validity of a selection (shown as *"This option is not compatible with ..."*). Henson also recites: *"The validation module provides validation of some form with respect to the customer built configuration"* (column 6, lines 34-36). Reference sign 76 of Figure 3A discloses the placement of the selected object (shown as *"Hard Drive"*). Henson also recites: *"the configurator 18 which are being driven by the database 24 are illustrated. In essence, the entire configurator 18 is being driven by the database. As mentioned, the configurator 18, shopping cart 20, and checkout 22 are each part of the commerce application 14 and prone to be driven by the database 24"* (column 5, lines 55-60), (compare *"inference engine"* to *"database"*). Henson further recites: *"Turning now to FIG. 2, a customer can access the online store 10 using any suitable computer equipment 40, via the Internet 42"* (column 5, line 66 to column 6, line 1) where the online store contains the inference engine (shown as *"Database"* at reference sign 24 in Figure 1). Henson also recites: *"Turning now to FIG. 3 (3A, 3B, and 3C), from a system configuration options screen 70, a customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70. The pricing option module 28 includes an update price function. The update price function causes the price displayed on the configuration screen to reflect any changes made to the system options"* (column 6, lines 18-25).

10. **Regarding independent claim 2**, Henson recites: *"The configurator is provided for configuring a computer system with options selected according to a prescribed*

*user input"* (column 2, lines 65-67). Henson discloses in Figure 3A, an initialized configuration layout with a plurality of components and slots (shown at reference signs 75 and 77). Also shown in Figure 3A are selectable objects (shown as drop-down list boxes) where a selection can be made for the designated slot. Henson also recites: *"The database 24 provides information to the configurator 18"* (column 4, lines 64-65) and *"The present online store takes into account that some choices are not as right as others. Thus the configurator of the present online store has been made smarter"* (column 5, lines 38-40). Reference sign 76 of Figure 3A discloses the placement of the selected object (shown as *"Hard Drive"*). Henson also recites: *"the configurator 18 which are being driven by the database 24 are illustrated. In essence, the entire configurator 18 is being driven by the database. As mentioned, the configurator 18, shopping cart 20, and checkout 22 are each part of the commerce application 14 and prone to be driven by the database 24"* (column 5, lines 55-60), (compare *"inference engine"* to *"database"*). Henson further recites: *"Turning now to FIG. 2, a customer can access the online store 10 using any suitable computer equipment 40, via the Internet 42"* (column 5, line 66 to column 6, line 1) where the online store contains the inference engine (shown as *"Database"* at reference sign 24 in Figure 1). Henson also recites: *"Turning now to FIG. 3 (3A, 3B, and 3C), from a system configuration options screen 70, a customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70. The pricing option module 28 includes an update price function. The update price function causes the price displayed on the configuration*

*screen to reflect any changes made to the system options"* (column 6, lines 18-25).

Finally, Henson discloses storing the new set of restraints, as shown by the "Save My Cart" button shown in Figure 6, at reference sign 106.

11. **Regarding dependent claim 3**, Henson recites: *"The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons"* (column 6, lines 51-55), (compare "transmitting" to "update request").
12. **Regarding dependent claim 6**, Henson recites: *"the configurator 18 which are being driven by the database 24 are illustrated. In essence, the entire configurator 18 is being driven by the database. As mentioned, the configurator 18, shopping cart 20, and checkout 22 are each part of the commerce application 14 and prone to be driven by the database 24"* (column 5, lines 55-60), (compare "inference engine" to "database").
13. **Regarding dependent claims 7 and 8**, Henson recites: *"The disclosures herein relate generally to build to order computer systems, and more particularly, to an online store user interface for enabling custom configuration, pricing, and ordering of a computer system via the Internet"* (column 12, lines 18-21) and *"Display 42 is used for displaying the various pages of the online store while a customer is using the online store"* (column 6, lines 3-4).

14. **Regarding independent claim 9**, Henson recites: *"The configurator is provided for configuring a computer system with options selected according to a prescribed user input"* (column 2, lines 65-67). Henson discloses in Figure 3A, an initialized configuration layout interface with a plurality of components and slots (shown at reference signs 75 and 77). Also shown in Figure 3A are selectable objects (shown as drop-down list boxes) where a selection can be made for the designated slot. Henson further recites: *"According to one embodiment, a web-based online store having a user interface for enabling a custom configuration of a computer system according to an identification of a user belonging to a prescribed customer set includes a configurator, a cart, a checkout, and a database. The configurator is provided for configuring a computer system with options selected according to a prescribed user input"* (column 2, lines 61-65).
15. **Regarding independent claim 14**, the claim is directed toward a computer program for the method of claim 1, and is rejected with the same rational.
16. **Regarding independent claim 15**, the claim is directed toward a computer program for the method of claim 2, and is rejected with the same rational.
17. **Regarding independent claim 16**, Henson discloses a plurality of objects and slots as shown in Figure 3A. Henson further recites: *"With reference again to the configurator, the view module 30 includes an "all option" configurator view. That is, an ability to change from a standard view 70 (as shown in FIG. 3) to an "all option" view 90 (as shown in FIG. 5) is provided. The standard view of the online*



*configurator is where system options 77 are presented via "drop-down" selection boxes and only the currently selected option is displayed. The standard view is preferably the default display, i.e., displayed without a shopper action" (column 9, lines 9-17), (compare "predetermined" to "default"). Henson further recites: "Turning now to FIG. 2, a customer can access the online store 10 using any suitable computer equipment 40, via the Internet 42" (column 5, line 66 to column 6, line 1) where the online store contains the inference engine (shown as "Database" at reference sign 24 in Figure 1). Henson also recites: "Turning now to FIG. 3 (3A, 3B, and 3C), from a system configuration options screen 70, a customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70. The pricing option module 28 includes an update price function. The update price function causes the price displayed on the configuration screen to reflect any changes made to the system options" (column 6, lines 18-25). Henson further discloses in Figure 3A, an indication that the selected object is not compatible with the current configuration at reference sign 86, and an indication that the selected object is compatible with the selected configuration at reference sign 77.*

18. **Regarding dependent claim 17,** Henson recites: *"Option details 76 provide an ability to link from the configurator to more specific detailed information about the system selection options presented. Links are made possible at each point where a system option selection was possible to aid in the choosing of the correct option from displayed alternatives" (column 7, lines 48-53), (compare "finite number of*

*product configuration layouts" to "each point where a system option selection was possible").*

19. **Regarding dependent claim 23**, Henson discloses in Figure 3A, at reference sign 70, a configuration layout which represents the physical layout of the product (shown as an image in the upper left hand corner).
20. **Regarding independent claim 24**, Henson discloses a product configuration layout with a plurality of objects and slots displayed within a graphical user interface as shown in Figure 3A. Henson also recites: *"Turning now to FIG. 3 (3A, 3B, and 3C), from a system configuration options screen 70, a customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70"* (column 6, lines 18-21). Henson further discloses in Figure 3A, an indication that the selected object is not compatible with the current configuration at reference sign 86, and an indication that the selected object is compatible with the selected configuration at reference sign 77.
21. **Regarding dependent claim 25**, Henson discloses in Figure 3A, at reference sign 70, a configuration layout with the plurality of selectable objects.
22. **Regarding dependent claim 26**, Henson recites: *"With reference again to the configurator, the view module 30 includes an "all option" configurator view. That is, an ability to change from a standard view 70 (as shown in FIG. 3) to an "all option" view 90 (as shown in FIG. 5) is provided. The standard view of the online configurator is where system options 77 are presented via "drop-down" selection*

*boxes and only the currently selected option is displayed. The standard view is preferably the default display, i.e., displayed without a shopper action" (column 9, lines 9-17), (compare "predetermined" to "default").*

23. **Regarding dependent claim 27**, Henson discloses in Figure 3A, at reference sign 70, a configuration layout with the plurality of slots.
24. **Regarding dependent claim 28**, Henson discloses in Figure 3A, at reference sign 70, a configuration layout which represents the physical layout of the product (shown as a picture in the upper left hand corner).
25. **Regarding independent claim 29**, Henson recites: "*At the on-line store, a customer can select one or more products that the customer is interested in. Upon selection of a particular product, the on-line store presents the customer with the ability to go to the product information for the particular product, customize the product, price the customized product, purchase the product*" (column 4, lines 41-46). Henson discloses a plurality of objects and slots as shown in Figure 3A. Henson also recites: "*Turning now to FIG. 3 (3A, 3B, and 3C), from a system configuration options screen 70, a customer of the online store 10 can build a customer configured machine by selecting from options listed on the configuration screen 70. The pricing option module 28 includes an update price function. The update price function causes the price displayed on the configuration screen to reflect any changes made to the system options*" (column 6, lines 18-25). Henson discloses in Figure 3A, at

reference sign 75 a subset of the configuration rules, in response to the selection of an object (as shown at reference sign 77).

26. **Regarding dependent claim 30**, Henson discloses in Figure 3A, at reference sign 75, a subset of the configuration rules, in response to the selection of an object (as shown at reference sign 77).

27. **Regarding dependent claim 32**, Henson recites: "*Option details 76 provide an ability to link from the configurator to more specific detailed information about the system selection options presented. Links are made possible at each point where a system option selection was possible to aid in the choosing of the correct option from displayed alternatives*" (column 7, lines 48-53), (compare "*finite number of product configuration layouts*" to "*each point where a system option selection was possible*").

28. **Regarding dependent claim 33**, Henson discloses in Figure 3B, at reference sign 86, the validity of a selected object that has been affected by the selection of another object.

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

30. Claims 4, 5, 11-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson.
31. **Regarding claims 4, 5, 11, 12 and 18**, Henson discloses visually configuring a product, including the looking up and storing of product constraints, as described above. Henson fails to explicitly describe the use of a *"forward looking rules table"*. However, Henson discloses a "Database" (shown in Figure 1 at reference sign 24), wherein data in a database is represented as tables. Henson recites: *"The database 24 provides information to the configurator 18"* (column 4, lines 64-65) and *"The present online store takes into account that some choices are not as right as others. Thus the configurator of the present online store has been made smarter"* (column 5, lines 38-40) and *"The present online store takes into account that some choices are not as right as others. Thus the configurator of the present online store has been made smarter"* (column 5, lines 38-40). Reference sign 76 of Figure 3A discloses the placement of the selected object (shown as *"Hard Drive"*). Henson also recites: *"the*

*configurator 18 which are being driven by the database 24 are illustrated. In essence, the entire configurator 18 is being driven by the database. As mentioned, the configurator 18, shopping cart 20, and checkout 22 are each part of the commerce application 14 and prone to be driven by the database 24"* (column 5, lines 55-60).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to describe the database feature of Henson as having a forward looking rules tables because the data base provides "*the database is provided for dynamically supplying configuration options to the configurator*" (Henson, column 3, lines 9-10).

32. **Regarding claims 12, 19 and 20,** Henson discloses visually configuring a product from a plurality of selectable components, with a user interface for selecting components and slots, and intelligence for determining object placement validity; and an online store for storing the rules and constraints for object placement as described above. Henson fails to explicitly describe a client device or a remote host device. However, Henson discloses in Figure 2, a client (at reference sign 40) connected remotely via the Internet (at reference sign 38) to a remote host (at reference sign 10, described as "*On-Line Store*").

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to describe the system configuration of Henson as a client-host type of configuration to provide "*an online store user interface for enabling custom*

*configuration, pricing, and ordering of a computer system via the Internet*" (Henson, column 1, lines 19-21).

33. **Regarding dependent claim 13**, Henson recites: *"a web-based online store having a user interface for enabling a custom configuration"* (column 2, lines 61-62).

Henson also discloses in Figure 2 a network service (at reference sign 38, described as *"Internet"*).

34. Claims 10, 21, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of King et al. US Patent 6,161,114 (filed 4/14/1999, patented 12/12/2000). *"King et al."* is hereafter referred to as *"King"*.

35. **Regarding dependent claims 10, 21, 22 and 31**, Henson discloses visually configuring a product from a plurality of selectable components with a user interface and a conflict displayer, as described above. Henson fails to disclose drag and drop functionality. King discloses the use of drag and drop functionality. King recites: *"In some embodiments, powerful content processing capabilities make assembly of content from a wide variety of resources (another disk, over a network, from the Internet, for example) as simple as executing a drag and drop action"* (column 6, lines 8-11).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to use the drag and drop teachings of King to enhance the object selection function of Templeman to allow users the ability to *"improve document production"* (King, Column 6, line 7).

### ***Response to Arguments***

36. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.
37. Applicant's arguments, see page 15, line 26 to page 27, line 22, filed 3/29/2004, with respect to the rejection(s) of claim(s) 1-9, 11, 12, 14 and 15 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henson, as described above.
38. Applicant's arguments, see page 28, line 4 to page 29, line 22, filed 3/29/2004, with respect to the rejection(s) of claim(s) 10 and 13 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henson and King, as described above.

### ***Conclusion***

39. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-6,038,597	03-2000	Van Wyngarden, Amy
• US-6,578,013	06-2003	Davis et al.
• US-6,598,223	07-2003	Vrhel et al.
• US-6,694,365	02-2004	Wyngarden, Amy Van

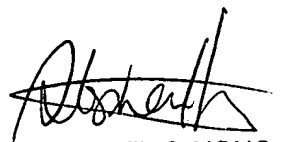


40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
June 8, 2004



STEPHEN S. HONG  
PRIMARY EXAMINER